

HEALTH FACILITY COMMITTEE MEETING
Cannon Health Building, Room 125
9:00 a.m., March 27, 1998

Members Present: Gayle Morawetz; Lou Ann B. Jorgensen; Kathleen Fitzgerald; Travis Jackman; Steven Bateman; Kathy Siskin; Helen Rollins; J. Stephen Anderson; Fae Beck; Michael Stransky, Leora Medina.

Members Excused: Patrick Kronmiller, M.D.

Staff: David Eagar; Marsha Bentley; Debra Wynkoop-Green excused.

The meeting was called to order at 9:03 a.m.

1. **Welcome**
Dr. Jorgensen welcomed all in attendance and acknowledged David Eagar as representing Ms. Wynkoop-Green in her absence.
2. **January 23, 1998 Minutes**
Mr. Stransky made a motion to accept the minutes of the January 23, 1998 meeting. Ms. Beck seconded the motion. The **MOTION PASSED** unanimously.
3. **Licensure Actions/Sanctions**
Mr. Eagar updated the Committee on the Licensure Actions/Sanctions that have been processed since the January meeting. Please see the attached table on sanction actions.
4. **Informal Hearing - Nursing Care Facility Rule**
Mr. Anderson referred to the draft of the rule stating that some changes made did not reflect the feelings of the entire committee. The changes to the rule were identified and discussed.

Ms. Beck requested comments regarding the age limit question brought up at the last meeting.

Carol Blowsick, Long Term Care Ombudsman distributed a handout regarding aides

under 18 providing personal care. The ombudsman program proposed to withdraw considering the 18-year old age limit for the present time and work closely with the high school programs to address the concerns of maturity, supervision, training, and sensitivity. There appear to be major concerns regarding persons under 18 years of age seeing certain life events in nursing care facilities.

Mr. Bateman stated that the Committee should get a follow-up report from Ms. Boswick. Ms. Jorgensen stated that she would like to have Ms. Boswick give a report to the Committee in six months. Mr. Bateman made a motion to have Ms. Boswick return and give this report, and requested that Ms. Wynkoop-Green schedule a follow-up in six months. The Committee agreed.

John Hansen, Utah Assisted Living Association voiced concerns about the type of training younger aides are getting in facilities and felt that the training should be better supervised.

Mr. Anderson made a motion to move the Nursing Care Facility rules forward to formal hearing as proposed by the subcommittee. Ms. Rollins seconded the motion. Discussion followed.

Discussion centered on restraint authorization and reviews. Mr. Eagar explained that in the rule, physicians must give the orders. In an emergency, a responsible person as outlined in the rule can give the order.

Ana Lird, Salt Lake County Long Term Care Ombudsman was concerned that staff members weren't given enough training on restraints. Those individuals applying restraints often don't know how to do so properly.

Matt Cowley of Friendship Villa asked if a family member would be informed to make residents aware or in the case of a patient not be cognizant.

Cindy Peterson of Mayfield Community Care spoke as a former night nurse and stated that there is a need for short-term approval for restraints. Safety is the reason for emergency restraints.

Carol Boswick stated that the number one question her office receives is on ratios and how many staff are needed per residents particularly on night shifts. She proposed a subcommittee to look at issues of ratios for rules.

Joan Gallegos of the Utah Health Care Association stated that the UHCA opposes ratios in rules.

John Williams of the Department of Health, Division of Health Care Finance gave background on rules. The rules had ratios until 1985. This was reviewed by the Health

Facility Committee. It could be revisited as a separate task but can't be resolved at this time. It was revisited in 1991 and the decision was made not to include ratios.

Ms. Jorgensen called for a vote on the proposed motion to move the Nursing Care facilities rule forward to the formal hearing process.

The **MOTION PASSED** unanimously.

Ms. Rollins made a motion to establish a subcommittee to determine the wisdom of reconsidering ratios. Mr. Stransky seconded the motion.

The **MOTION PASSED** unanimously.

The decision was made to wait for Ms. Wynkoop-Green to establish the ratio subcommittee.

5. **Assisted Living Committee**

Ms. Siskin reported on the Assisted Living Committee. One of the major issues of concern is regarding nursing services. Most states do not define nursing services. During the legislative session this year a bill was passed combining Residential Health Care Facilities and Assisted Living Facilities as one category. Therefore, the committee has placed their discussions on hold until they receive more direction from Ms. Wynkoop-Green in reference to the new legislation.

6. **Assisted Living Construction Rule**

Larry Naylor was appointed as the staff support with Mike Stransky assigned as the Chairperson. The decision was made to have the committee consist of no more than 8-9 key individuals. Mr. Naylor is in the process of recruiting members.

7. **Criminal Background Check Rule**

A committee needs to be appointed to develop rules for the Criminal Background Check rule for Health Care Facilities. Donna Riley will be the staff support. Ms. Riley is the Criminal Background Check person for the Child Care unit of the Bureau. Fae Beck will be the chairperson.

Anyone who wishes to nominate individuals for these committees were told to submit names to Ms. Wynkoop-Green.

8. **Ambulatory Clinic Rules**

This committee is co-chaired by Fae Beck and Patrick Kronmiller. David Shorten will be the staff support for this committee. The members are already submitted and the committee information will be reported at the next meeting.

9. **Medicare/Medicaid Certification rule**

No negative comments were received regarding the proposed rule change (see attached sheet). Mr. Eagar explained that the proposed rule was shortened following a review by Department legal council. Language in the rule was determined to be redundant. This rule has been filed with an effective date of May 2, 1998.

10. The next meeting is scheduled for May 22, 1998 at 9:00 a.m. in conference room 125 of the Cannon Health Building.

The meeting adjourned at 11:30 a.m.

Lou Ann B. Jorgensen, Chairperson

Debra Wynkoop-Green, Executive Secretary